IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Crl.MC.No. 2249 of 2007()

PETITIONER:

MRS.SHEMI SUSHIL, D/O.CHANDRAN, AGED
25 YEARS, 'VANDANAM', HOUSE NO.28/2676,
THONDAYAD, NELLIKKODE AMSOM AND DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
KUNNAMANGALAM POLICE STATION,
KOZHIKODE DISTRICT.

2. THE SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION,
ERNAKULAM DISTRICT.

3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2249 Of 2007

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Dated this the 20th day of July, 2007

ORDER

The petitioner is the complainant in a prosecution under Section 498A IPC. The petitioner filed a complaint before the learned Judicial Magistrate of First Class, Kunnamangalam. The case was referred under Sec.156(3) Cr.P.C to the SHO, Medical College Police Station, Kozhikode. Thereafter the crime was transferred for investigation to the North Paravur Police Station. Subsequently relying on the obvious error, the same was again transferred to continue investigation to the Kalamassery Police.

2. The petitioner has come to this Court complaining about the objectionable unnecessary transfer of the crime from the Medical College Police Station to the Police Stations in Ernakulam. Today when the matter came up for hearing , the learned Public Prosecutor submits that the petitioner has no valid grounds to make any grievance as the investigation is already complete. Final report has been filed raising allegations under Section 498A IPC against all the three accused persons. It is not necessary for the petitioner to seek any further relief in this petition now. If necessary the petitioner may be directed to seek the transfer of the case after cognizance is taken.

3. The learned counsel for the petitioner appears to accept the stand taken by the learned Public Prosecutor and I am satisfied that this petition can in these circumstances be dismissed, making it clear that the option of the petitioner to seek transfer of the case from the Court in Ernakulam to that in Kozhikode shall remain unfettered by the dismissal of this Crl.M.C. This Crl.M.C is dismissed with the above observations.

(R.BASANT, JUDGE)

sj